

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

**MOTION FOR EXTENSION OF DEADLINES AND
MOTION FOR CLARIFICATION**

COMES NOW the Enterprise City Board of Education requests the Court to extend the deadlines set out in the Court's order of February 6, 2007, and to provide clarification as to said order as the same relates to such things as whether all discovery should still be filed with the Court.

1. This case was originally filed by the Plaintiff *pro se*. No discovery has taken place per order of the Court and the Federal Rules of Civil Procedure. On February 6, 2007, the Court held a status and scheduling conference ordering that this case be stayed for forty-five (45) days to give Plaintiff an opportunity to retain counsel. Plaintiff has retained counsel, as J. Victor Price has entered an appearance as her attorney. The Court's February 6, 2007 Order stayed discovery until March 23, 2007. The Order directed that the parties file all discovery requests and responses with the Court. The Order also set June 21, 2007, as the discovery deadline and July 23, 2007, as the deadline to file dispositive motions.

2. Defendant requests the Court to allow additional time to complete discovery. Plaintiff has asserted a claim under the Americans with Disabilities Act and her medical condition is directly at issue. Because of this, it is necessary to not only to direct discovery requests to the Plaintiff, but

also direct discovery requests to third party medical providers. It is likely that depositions of those medical providers will be necessary and, as the Court knows, scheduling those depositions many times takes more time than usual due to doctors' schedules. At the present time, because of the Plaintiff's *pro se* status and the Court's order of February 6, 2007, there has been no initial disclosures made. Therefore, Defendant is uncertain how extensive discovery in this case will be but it is likely due to the nature of the claims made that it will require not only interrogatories and request for production, but multiple third party subpoenas and depositions. Defendant requests that the discovery deadline be extended by at least sixty (60) days.

2. Because of the need to extend discovery the discovery deadline, Defendant requests the Court to extend the time to file dispositive motions until at least thirty (30) days after a newly set discovery deadline.

3. Defendant also requests the Court clarify its Order of February 6, 2007, concerning the need to file discovery requests and responses with the Court. Now that Plaintiff has counsel, perhaps that requirement can be modified or deleted.

4. Finally, Defendant requests the Court to set a deadline for the parties to make their initial disclosures.

5. To summarize, Defendant requests the following:

- a. Extension of the discovery deadline by at least sixty (60) days;
- b. Extension of the dispositive motion deadline by at least thirty (30) days after the newly requested discovery deadline.
- c. Clarification as to whether it is still necessary to file discovery requests and responses with the Court; and,
- d. An Order setting a deadline (preferably within the next twenty-one (21) days) for

the parties to make initial disclosures per Rule 26 of the Federal Rules of Civil Procedure.

/s/ R. Rainer Cotter, III

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CERTIFICATE OF SERVICE

I hereby certify that on this the 23rd day of March, 2007, I have served a copy of the above and foregoing document upon the following individual by United States mail, postage prepaid, and properly addressed:

J. Victor Price, Esq.
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/s/ R. Rainer Cotter, III

Of Counsel